

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 20-2009

A By-law to provide for the licensing, regulating and governing of Public Vehicles in the City of Burlington

WHEREAS Section 151 of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a local municipality may licence, regulate and govern any business, wholly or partly carried on within the municipality, even if the business is being carried on from a location outside the municipality;

AND WHEREAS Section 23.1 of the *Municipal Act, 2001* provides that Council may delegate by By-law some of its responsibilities associated with the licensing, regulating and governing of businesses to City staff;

AND WHEREAS the Council of the City of Burlington considers it desirable and necessary to licence, regulate and govern certain types of businesses;

NOW THEREFORE the Council of the Corporation of the City of Burlington hereby enacts as follows:

PART I DEFINITIONS

1.1 In this By-law:

- (1) “**Accessible Taxicab Vehicle**” means a Taxi that is wheelchair-accessible permitting the loading, transportation and off-loading of a Person with a Disability confined to a wheelchair, or other similar device used to assist the Disabled, and is subject to federal and provincial legislation applicable to the transportation of Persons with disabilities.
- (2) “**Accessible Taxicab Owner Plate**” means the numbered metal plate issued by the City to be affixed to the Accessible Taxicab.
- (3) “**Additional Fee**” means a fee, in addition to the licence fee, imposed by the municipality on a business at any time during the term of the licence for costs incurred by the municipality attributable to the activities of the business.
- (4) “**Alternative Fuels**” for vehicles means a source of fuel used in place of gasoline and diesel fuel such as but not limited to: electricity, ethanol, hydrogen, methanol, natural gas (Compressed Natural Gas/Liquefied Natural Gas), propane (Liquefied Petroleum Gas), P-Series, Solar Energy and Bio-diesel.
- (5) “**Applicant**” means a Person applying for a new or renewing a licence under this By-law.

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- (6) **“Broker”** means any Person who carries on the business of accepting orders for, or dispatching, Taxicabs in any manner other than licences under their control.
- (7) **“Brokerage”** means the general business of a Broker, and shall be deemed to include the land and premises where such business is carried on.
- (8) **“Business”** means any trades, occupations and sale or hire of goods and services for profit wholly or partly carried on within the municipality even if the business is being carried on from a location outside of the municipality.
- (9) **“Certificate of Insurance”** means a written document stating that insurance is in effect. And includes a general statement of the policy’s coverage including coverage limits and effective dates.
- (10) **“City”** means The Corporation of the City of Burlington.
- (11) **“City Solicitor”** means the Solicitor for the City or his or her designate.
- (12) **“Council”** shall mean the Council for The Corporation of the City of Burlington.
- (13) **“Dispatch”** means the communication of an order or information between a Taxicab broker and a Taxicab driver.
- (14) **“Driver”** means a Person who drives a Taxicab and/or a Limousine.
- (15) **“Exclusive Concession Agreement”** means an agreement which gives a Person the sole right to provide Taxicab service to or from any public transportation terminal, hotel, motel, Taxicab stand or any other similar point of assembly.
- (16) **“Fare”** means the amount displayed on the Taxicab meter at the conclusion of a trip, or the flat rate allowed under this By-law for the trip, together with any additional charges allowed under this By-law.
- (17) **“Fleet”** means any number of Taxicabs in excess of one owned by the same owner or owners.
- (18) **“Highway”** means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, or any part thereof which is intended for or used by the general public for the passage of vehicles, including any surface grassed area, boulevard, ditch, curb, gutter, sidewalk and other parts of the road allowance, whether traveled or untravelled.
- (19) **“Highway Traffic Act”** means *Highway Traffic Act*, R.S.O. 1990, c.H.8 and the Regulations enacted thereunder as amended from time to time or any Act and Regulation enacted in substitution therfor.

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- (20) **“Individual”** means a natural Person and does not include a corporation, partnership or association.
- (21) **“Inspector”** means a duly appointed Municipal Law Enforcement Officer and includes members of the Halton Regional Police Service.
- (22) **“Licence”** means an authorization issued under this By-law to carry on a business specified therein and the document, certificate or card issued shall provide evidence of such authority as the content may allow.
- (23) **“Licenced Premises”** means an establishment, which is referred to in a licence issued under this By-law.
- (24) **“Licensee”** means a Person who has been issued and maintains a valid licence pursuant to the terms of this By-law.
- (25) **“Licensing Committee”** means a Committee of Council duly appointed by Council to conduct hearings under this By-law.
- (26) **“Licensing Manager”** means the Manager of Administration and By-law Enforcement section of the Planning and Building Department of the City of Burlington and includes his or her designates.
- (27) **“Licensing Office”** means the Planning and Building Department of the City of Burlington or such other department as the Council may designate.
- (28) **“Limousine”** means any Motor Vehicle not equipped with a Taxicab Meter, with the seating capacity for not less than five (5) passengers. The vehicle is operated by a uniformed driver for and on behalf of any Person for transportation of goods and/or passengers for a flat rate agreed upon in advance. The minimum charge for the flat rate shall be in accordance with the fee schedule attached to this By-law. This definition consists of vehicles which are recognized by the automobile industry as “Luxury Vehicles” that may be manufactured with an extended wheel base. A “luxury” Sport Utility Vehicle (SUV) may be included in the definition, but a station wagon, panel truck, bus and a van are not included.
- (29) **“Limousine Driver”** means a Person who is licenced or is required to be licenced to drive a Limousine.
- (30) **“Limousine Owner Plate”** means the numbered metal plate issued by the City to be affixed to the Limousine.
- (31) **“Mechanical Defect”** means damage to, or failure of a part, component or feature of a Motor Vehicle.

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- (32) “**Model Year**” means the model year shown for a Vehicle on the registration issued under the *Highway Traffic Act*.
- (33) “**Motor Vehicle**” includes an automobile and any other vehicle propelled or driven other than by muscular power, but does not include the cars of electric or steam railways, or a motorized snow vehicle, traction engine, farm tractor, self propelled implement of husbandry or road-building machine within the meaning of the *Highway Traffic Act*, R.S.O. 1990, c.H. 8.
- (34) “**Municipality**” means geographic area of the City of Burlington.
- (35) “**Order**” means a request for Taxicab service received by a Taxicab Broker.
- (36) “**Owner**” includes a Person who alone or with others owns and/or has the ultimate control over a Business and/or who directs the operation of a Business under this By-law and whose name appears on the licence issued by the City for such Business pursuant to this By-law.
- (37) “**Person**” includes a corporation and its directors and officers, sole proprietor, and partnership and the heirs, executors, assignees and administrators or the other legal representatives of an Individual and their respective successors and assignees.
- (38) “**Police Service Security Clearance Request or a similar Police Security Clearance**” means information containing the results of a search of the Canadian Police Information Centre.
- (39) “**Premises**” include lands, and any fence, buildings, sheds or similar structures situated thereon.
- (40) “**Provincial Offences Act**” means *Provincial Offences Act*, R.S.O. 1990, c. M. 56 and the Regulations enacted thereunder as amended from time to time or any Act and Regulation enacted in substitution thereof.
- (41) “**Public Vehicle**” means a Taxicab, Accessible Taxicab Vehicle and Limousine.
- (42) “**Safety Standards Certificate**” means a safety standards certificate issued under the *Highway Traffic Act*.
- (43) “**Service Animal**” means an animal trained by a recognized school for service as a guide dog for the blind or visually-impaired, a guide dog for the deaf or hearing-impaired, or a special skills dog for other Persons with a disability and includes an animal used in therapy, registered with a recognized organization for that purpose.

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- (44) **“Tariff Card”** means a card showing the current tariff, issued by the Licensing Manager for display in a Taxicab or Accessible Taxicab Vehicle.
- (45) **“Taxicab”** means a motor vehicle having four doors, a taxicab meter and seating capacity for not less than three passengers which is used for the transportation of passengers and/or goods, for hire or reward, and may include a van type vehicle having less than four doors, if such vehicle is approved for use as a taxicab by the Licensing Manager.
- (46) **“Taxicab Driver”** means a Person who is licenced or is required to be licenced to drive a Taxicab or an Accessible Taxicab.
- (47) **“Taxicab Meter”** means a measuring device used in a Taxicab to calculate the fare payable for a trip in a Taxicab or an Accessible Taxicab Vehicle.
- (48) **“Taxicab Owner Plate”** means the numbered metal plate issued by the City to be affixed to the Taxicab.
- (49) **“Taxicab Stand”** means the area set aside and designated by the City of Burlington to be used by a Taxicab while it is waiting for, or picking up, goods or passengers.
- (50) **“Tint Free”** means free from any type of tinting, coloured spray or other reflective material on vehicle windshield and windows that is not standard to the vehicle when sold new or equivalent, and that substantially obscures the interior of the Motor Vehicle when viewed from the outside or, that reduces the visibility of the Driver, Passenger or Passengers.
- (51) **“Trip”** means the distance and time traveled or the distance and time to be traveled, measured from the time and point at which the passenger first enters the Taxicab or when the Taxicab meter is first engaged, to the time and point at which the passenger finally leaves the Taxicab or the Taxicab meter is disengaged.
- (52) **“Trip Sheet”** means a written record of each trip on the form prescribed in this By-law.
- (53) **“Vehicle”** means a motor vehicle.
- (54) **“Year To Date”** means the figures appearing under the heading “year” in the description of the motor vehicle portion of the current Ministry of Transportation passenger Motor Vehicle permit for any vehicle.
- (55) **“Zoning Certificate”** means a certificate duly issued by the City approving the use for which the Licence application has been made on the building and/or property where the Business is located or is proposed to be located.

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PART 2 LICENSING REQUIRED

- 2.1 No Person shall:
- (a) Own or operate a Taxicab
 - (b) Own or operate an Accessible Taxicab
 - (c) Act as or hold himself out to be the owner/operator of a Taxicab
 - (d) Act as or hold himself out to be the owner/operator of an Accessible Taxicab
 - (e) Own or operate a Limousine
 - (f) Act as or hold himself out to be the owner/operator of a Limousine
 - (g) Own or operate a Taxicab Brokerage
 - (h) Act as or hold himself out to be the owner/operator of a Taxicab Brokerage
 - (i) Drive, or act as the driver of a Taxicab
 - (j) Drive, or act as the driver of an Accessible Taxicab
 - (k) Drive, or act as the driver of a Limousine

Unless the Person is licenced under this By-law.

- 2.2 A Person shall carry on business only in the name in which the business is licenced.
- 2.3 For the purpose of this By-law, a business shall be deemed to be carried on within the City if any part of the business is carried on in the city, even if the business is being conducted from a location outside the City.

REPRESENTATION OF LICENSING

- 2.4 No Person shall hold himself or herself out to be licenced if the Person is not licenced in accordance with this By-law.
- 2.5 No Person shall publish or cause to be published any representation that the Person is licenced under this By-law if the Person is not licenced in accordance with this By-law.

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PART 3 LICENSING OFFICE

- 3.1 The following administrative and legislative responsibilities are delegated and assigned to the Licensing Manager as follows, but not limited to:
- (a) Preparing necessary documentation and forms.
 - (b) Receiving and processing all applications for Licences and for renewals of Licences.
 - (c) Issuing Licences when an application is made in accordance with and in compliance with the provisions of this By-law.
 - (d) Maintaining records showing all applications received and Licences issued.
 - (e) Generally performing all the administrative functions and legislative functions conferred upon the Licensing Manager by this By-law.

PART 4 APPLICATION FOR A LICENCE AND FOR RENEWAL OF A LICENCE

- 4.1 An application for a Licence and an application for the renewal of a Licence shall be completed on the forms provided by the Licensing Office.
- 4.2 Each executed application shall be submitted to the Licensing Office by the Person making the application and shall be accompanied by:
- (a) The fee in the appropriate amount as set out in Schedule “A” to this By-law;
 - (b) In the case of Owners, a Zoning Certificate indicating that the use for which the application has been made is approved under the Zoning By-law as an approved use of the premises;
 - (c) Proof of the Applicant’s age by way of their birth certificate, passport, valid Province of Ontario driver’s licence or valid Province of Ontario health card with a photograph of the Applicant;
 - (d) If the Person is a corporation, a copy of the incorporating document and a copy of the last annual information filed or, if a registered partnership, a copy; of the registered declaration of partnership and a copy of the business name registration;
 - (e) In the case of a partnership or a corporation, a copy of the registered declaration of partnership, a copy of the business name registration and a list

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of all current partners, officers, directors and shareholders of the corporation together with their addresses and phone numbers.

- (f) Every Person applying for an Owner's licence shall file with the Licensing Manager, documentation satisfactory to the Licensing Manager, and demonstrating the Applicant's right to possess or occupy the premises used by the Applicant and if such Applicant is not the registered owner of the property upon which the Business is located, such Applicant shall file with the Licensing Manager, at the same time a copy of the lease, if any, and of any other document constituting or affecting the legal relationship between the said Applicant and the said registered owner or owner in fee simple of the real property.
- 4.3 Every licensee shall be required to renew the said Licence prior to the expiry of the original Licence issued under this By-law.
- 4.4 A Licence renewal paid after the expiry date will be required to pay a late fee outlined in the Schedule of fees under this By-law.
- 4.5 Notwithstanding paragraph 4.2(b), where an application is made for the renewal of a Licence and where a Zoning Certificate has been received, approving the use of the property for that which the renewal application has been made, no new Zoning Certificate is required.
- 4.6 Where an application for a Licence or for renewal of a Licence is refused, the fee paid pursuant to paragraph 4.2(a) shall be fully refunded.
- 4.7 Notwithstanding the above, no refund shall be made where an Additional Fee imposed pursuant to this By-law remains outstanding at the time of renewal and where the Additional Fee is equal to or greater than the Licence renewal fee, except where the outstanding, Additional Fee is less than the renewal fee for the Licence, the Applicant shall be refunded the difference between the renewal fee and the Additional Fee outstanding.
- 4.8 The Licensing Manager may require the Applicant to obtain more than one Licence under this By-law, if the nature of the Business of the Applicant qualifies under more than one licensing category under this By-law.
- 4.9 Where the Licensing Office receives an application for renewal of a licence previously granted under this By-law and the appropriate fees have been paid, the Licensing Manager may prior to issuance of any such licence:
 - (a) Ensure all inspections, approvals and documents as may be required have been obtained;

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- (b) Make inquiries into all relevant matters in order to ascertain if the applicant is entitled to obtain a renewed licence under the provisions of this By-law;
 - (c) Inquire into any and all relevant changes in circumstances since the previous licence was issued to the applicant;
 - (d) Make any inquiries to any municipal official or employee who has carried out inspections or investigations relative to the business under application;
 - (e) Receive reports from such municipal officials and employees as may be deemed necessary; and
 - (f) Ensure all taxes are paid up to the City of Burlington when required as a condition of licensing.
- 4.10 Notwithstanding that a Licence has been renewed, the Licensing Manager may require the holder of a Licence at any time after the renewal is issued to file with Licensing Manager or designate such certificates or other documentary evidence as the Licensing Manager may require as evidence that such Applicant satisfies the requirements of this By-law.
- 4.12 No individual shall be licenced under this By-law unless the individual is eighteen (18) years of age or over.

PART 5 INSPECTION

- 5.1 On receipt of an application for a Licence or for renewal of a Licence or as a condition of the continuation of a Licence, the Licensing Manager or Inspector may:
- (a) At any reasonable time enter upon the Business premises of the Owner or Operator to make an inspection to ensure that all the provisions of this By-law, have been complied with;
 - (b) At any reasonable time inspect as much of any house, place or premises as is used for the carrying on, conducting, operating, maintaining or keeping of any Business in respect of which any Person is required to have a Licence under this By-law;
 - (c) At any reasonable time inspect any vehicle, any goods, articles, books, records and other documents of or relating to any such Business established under this By-law; and

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(d) Circulate the application and supporting documents to all or any other departments within the City, the Regional Municipality of Halton, the Halton Regional Police Service, or any other Person or agency as may be deemed necessary, for their review and comment.

5.2 No Person shall obstruct, hinder or in any way interfere with the Inspector, Licensing Manager or other Person inspecting, investigating or enforcing this By-law, or withhold, destroy conceal or refuse to furnish information required.

PART 6 ISSUANCE OF LICENCE OR RENEWAL

6.1 When an application for a Licence or for a renewal of a Licence is made in accordance with the provisions of this By-law and the Applicant meets all the requirements of this By-law the Licensing Office shall issue a Licence.

6.2 No Person shall enjoy a vested right in the continuance of a licence and upon the suspension or revocation, the Licence and/or plate(s) which are the property of the City, shall be returned.

PART 7 LICENCE EXPIRY DATES

7.1 Every Licence issued under this By-law is valid for a period of twelve (12) months from date of issuance unless otherwise specified.

7.2 Every Licence shall expire on the date set out in the Licence unless it is renewed in accordance with the provisions of the By-law.

7.3 Every Licensee under the By-law shall be required to renew the Licence issued pursuant to this By-law prior to its expiry date.

7.4 Any Licence issued under this By-law may be cancelled by the Licensing Manager at any time upon the request of the Licensee.

7.5 Every application for renewal of a licence which is not made within 60 days following the expiry date shall be deemed to be a new application and an administration fee shall apply in addition to the standard licensing fee.

PART 8 LICENCE ON TERMS AND CONDITIONS

8.1 Notwithstanding any other provisions of this By-law, the Licensing Manager may impose terms and conditions on any Licence at issuance, at renewal or at any time during the Licence period, including special conditions, as are necessary to give effect to this By-law and may include, but are not limited to, conditions restricting the hours of business other than those set out in this By-law, payment of outstanding fines and compliance with outstanding regulations and legislation

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including the *Ontario Building Code*, the *Fire Code*, or conditions that the business Owner have employees in attendance at the Business location during the hours of operation to ensure compliance with this By-law.

- 8.2 It shall be a term of every Licence that the Licensee shall comply with the provisions of this By-law, other By-laws and all provincial and federal legislation, as applicable.
- 8.3 The Owner shall:
- (a) Ensure such compliance, as set out in subsection 8.2 by every other Person involved in carrying out the Business.
 - (b) At all times maintain and keep clean, safe, in good condition and repair any place or premises for which a Licence has been issued under this By-law.
 - (c) Not cause, tolerate or permit a nuisance to arise in connection with the place or premises for which the Licence has been issued.
 - (d) Not cause, tolerate or permit any obstruction on any highway, sidewalk, lane or public place in front of or adjoining the place or premises for which the Licence was issued.
- 8.4 Notwithstanding any other provisions of this By-law, Council may impose Additional Fees on a Licensee, by way of a notice of Additional Fee at any time during the term of the Licence for costs incurred by the City attributable to the activities of the Licensee.
- 8.5 The notice of Additional Fee shall be sent to the Licensee by Registered Mail and shall provide the Licensee with sixty (60) days to pay the outstanding amount from the date of such Notice.

PART 9 GROUNDS TO REFUSE TO ISSUE OR RENEW A LICENCE OR TO REVOKE OR SUSPEND

- 9.1 An Applicant whose application meets all the requirements of this By-law and its Schedules is entitled to a Licence or the renewal of a Licence except where:
- (a) The application is not complete or the fee payable in respect of the Licence or renewal has not been paid; or
 - (b) There are reasonable grounds to believe that any application or other document provided to the Licensing Office by or on behalf of the Applicant contains a false statement or provided false information; or

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- (c) Any information contained in the original application form or any other information provided to the Licensing Office, has ceased to be accurate and the Licensee has not provided up-to-date accurate information to the Licensing Manager to allow the Licensing Manager to conclude that the Licence should continue; or
- (d) Any Additional Fee imposed on a Licence remains unpaid after the due date as indicated in the Notice of Additional Fee sent to the Licensee; or
- (e) The financial position of the Applicant affords reasonable grounds to believe that the activity for which he or she is to be licenced or to continue to be licenced in accordance with law will not be carried on in a financially responsible manner;
- (f) The Applicant has failed to pay the fine or fines imposed by a court as a sentence arising from convictions for breach of a By-law enacted by the City or has failed to pay the fines for convictions under the *Provincial Offences Act* which are due and unpaid or where a prohibition or other Court Order made upon conviction has not been complied with; or
- (g) There are reasonable grounds to believe that the Applicant does not meet all the requirements of this By-law or any other By-law, or that the building, premises or place or part thereof in which the Business is carried on or intended to be carried on does not comply with the provisions of this By-law, or with any other law including provincial or federal law, or By-law, including any applicable zoning, building, and fire department requirements including fire code advisories issued and at time of application; or
- (h) The Licensee has contravened any provision or provisions of this By-law within any twelve-month period; or
- (i) There are reasonable grounds to believe that the building, premises or place or part thereof in which the Business is carried on or intended to be carried on is dangerous or unsafe; or
- (j) There are reasonable grounds to believe that the equipment, vehicles, and other Personal property used or kept for hire in connection with the carrying on of or engaging in the Business is dangerous or unsafe; or
- (k) The Applicant or Licensee has failed to comply with any condition or direction of the Licensing Manager or Inspector or failed to permit any investigation by the Licensing Manager or Inspector; or

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- (l) Adverse comment or comments have been received by the Licensing Manager from any City Department or any of the agencies to which the application, renewal or request was circulated; or
- (m) The Applicant fails or refuses to comply with any requirement set out in the By-law to obtain or maintain or renew a Licence issued under this By-law; or
- (n) The past or present conduct of the Applicant, or of any partner, in the case of an Applicant which is a partnership, or of any director or officer, employees or agents of the corporation, if the Applicant is a corporation, affords reasonable grounds for the belief that the Applicant will not carry on the activity for which he or she is to be licenced or to continue to be licenced, in accordance with law and with integrity and honesty; or
- (o) The Applicant or Licensee has been convicted of an offence, for which a pardon has not been granted, pursuant to any one or more of Parts V(Sexual Offences), VIII (Offences Against Persons) or IX (Offences Against Property) of the *Criminal Code of Canada*, R.S.C. 1985 c. C-46, as amended or any other criminal convictions in the preceding five (5) years; or
- (p) The Applicant or Licensee has been convicted of an indictable offence under any Statute of Canada, including but not limited to the *Criminal Code of Canada*, the *Narcotic Control Act*, the *Food and Drug Act*, and the *Controlled Drug and Substances Act* during the preceding five (5) years; or
- (q) The Licensing Manager becomes aware of any fact or facts, which, if known at the time of the application for the Licence, may have resulted in the Licensing Manager refusing or revoking the Licence; or
- (r) The issuance of the Licence or renewal of the Licence would be contrary to the public interest.

PART 10 POWER TO REFUSE TO ISSUE OR RENEW A LICENCE OR REVOKE OR SUSPEND A LICENCE

- 10.1 The Licensing Manager may refuse to issue a Licence, refuse to renew a Licence or may revoke or suspend a Licence or impose terms and conditions on a Licence.
- 10.2 Before the Licensing Manager refuses to either issue or to renew a Licence, or cancels, revokes or suspends a Licence, or imposes terms and conditions, written notice shall be given to the Applicant or Licensee by the Licensing Manager, advising the Applicant or Licensee of the recommendation.

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- 10.3 The written notice of recommendation to be given under subsection 10.2, shall:
- (a) Set out the grounds for the recommendation;
 - (b) Give reasonable particulars of the grounds;
 - (c) Be signed by the Licensing Manager; and
 - (d) State that the Applicant or Licensee is entitled to a hearing by the Licensing Committee if the Applicant or Licensee delivers to the Clerk, within seven (7) days after the Notice is served, a notice in writing requesting a hearing by the Licensing Committee and the appeal fee as set out in Schedule "A" of this By-law.
- 10.4 Where no appeal is registered within the required time period, the recommendation of the Licensing Manager is final.
- 10.5 The City Clerk, upon receipt of a written request from the Applicant or Licensee within the time limit specified in this Part, shall schedule a hearing before the Licensing Committee and send written notice of the hearing to the parties, which notice may be Personally delivered, sent via facsimile, by email or sent by regular or registered mail, to the address in the application unless the request for a hearing specifies a different address.

PART 11 THE HEARING BEFORE THE LICENSING COMMITTEE

- 11.1 Sections 5 to 15 and 21 to 24 of the *Statutory Powers Procedure Act* shall apply to all hearings conducted by the Licensing Committee.
- 11.2 The Licensing Committee shall be composed of three members of the Council's Community Development Committee, appointed by the Community Development Committee.
- 11.3 When the Applicant or Licensee who has been given written notice of the hearing does not attend at the appointed time and place, the Licensing Committee may proceed with the hearing in his or her absence and the Applicant or Licensee shall not be entitled to any further notice of the proceedings.
- 11.4 At the conclusion of a hearing the Licensing Committee shall as soon as practicable, submit a written report on the hearing to Council and the report shall:
- (a) Summarize the evidence and the arguments presented by the parties to the hearing;

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- (b) Set out the findings of fact and the recommendations made by the Licensing Committee; and
- (c) Set out the reasons for the recommendation.

COUNCIL AFTER THE HEARING

- 11.5 Council may uphold or vary the recommendation of the Licensing Committee or do any act or make any decision that it might have done had it conducted the hearing itself and the Applicant or Licensee shall not be entitled to a further hearing on the matter before Council and the decision of Council shall be final.

PART 12 RETURN OF THE LICENCE AFTER REVOCATION OR SUSPENSION

- 12.1 When a Licence has been revoked, deemed unrenovable, cancelled or suspended, the holder of the Licence shall return the Licence to the Licensing Office within twenty-four (24) hours of service of written notice of the decision of Council and, the Licensing Manager, may enter upon the business Premises of the Licensee for the purpose of receiving, taking, or removing the said Licence.
- 12.2 When a Person has had his or her Licence revoked or suspended under this By-law that Person shall not refuse to deliver up or in any way obstruct or prevent the Licensing Manager from obtaining the Licence in accordance with subsection 12.1.

PART 13 ORDER TO COMPLY

- 13.1 Where a Licensee contravenes any provision of this By-law, or its Parts the Inspector may:
- (a) Serve a written notice on the Licensee, setting out reasonable particulars as to identify the contravention, the location of the premises and directing compliance and the date by which compliance must be achieved; or
 - (b) Direct in a written order setting out reasonable particulars as to identify the contravention and the location of the premises and directing that a thing or matter is required to be done and the date by which the thing or matter must be done and in default of such matter or thing being done, the matter or thing will be done at the Licensee's expense by the City and the City will recover the expense by action or in like manner as municipal taxes.

PART 14 BUSINESSES REQUIRING A LICENCE

- 14.1 A Licence is required for the following:

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- (a) **Taxicab**
Taxicab Driver
Taxicab Plate Owner
Accessible Plate Owner
Taxicab Broker

- (b) **Limousine**
Limousine Driver
Limousine Plate Owner

PART 15 LICENCE NOT TRANSFERABLE

- 15.1 A Licence is valid only in respect of the Person and the premises named in the Licence. No Licence may be sold, transferred, encumbered, leased or loaned or in other way assigned or dealt with.

PART 16 NOTIFICATION OF CHANGE OF INFORMATION

- 16.1 A Licensee shall carry on Business in the City in the name, which is set out on the Licence and shall not carry on Business in the City in any other name.

- 16.2 When a Licensee changes his or her name, address, affiliated Broker, employer or any other information relating to the Licence, that Person shall notify the Licensing Office within two (2) business days of the change of address or any other information relating to the Licence and shall return the Licence immediately to the Licensing Office for amendment and pay the licence fee as outlined in Schedule "A" to this By-law.

- 16.3 When there is a change of ownership or location for a business the licensee is required to complete an application for a new licence including submission of all documentation required for a new Licence as outlined in this By-law and pay the licence fee as outlined in Schedule "A" to this By-law.

- 16.4 When the Licensee is a Corporation, and there is any change in the following information given on the application namely: the names and addresses of officers and directors, the location of the corporate head office, change of ownership of shares, the Licensee shall report the change to the Licensing Office within seven (7) days of the change, and if necessary, the Licence shall be returned immediately to the Licensing Office for amendment.

- 16.5 A Licensee shall not alter, erase or modify or permit such alteration, erasure or modifications of their Licence or part thereof unless approved by the Licensing Manager.

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- 16.6 Requests for change of information shall be accompanied by the appropriate fee as set out in Schedule "A" of this Business By-law

PART 17 DISPLAY OF LICENCE

- 17.1 Every Owner shall prominently display their Licences at the licenced premises at all times and shall produce the Licence upon request by the Licensing Manager or an Inspector.

PART 18 NOTICE

- 18.1 Any notice required by this By-law to be given to the Applicant or Licensee may be given, unless otherwise provided in this By-law:
- (a) By mailing a copy of the notice by prepaid ordinary mail post addressed to the address of the Applicant or Licensee, as the case may be, listed on the most recent application for a Licence or,
 - (b) By delivering a copy of the notice Personally to the Applicant or Licensee; or
 - (c) By leaving a copy of the notice at the address of the Applicant or the Licensee as listed on the most recent application for a Licence; or
 - (d) By leaving a copy of the notice at the business address of the Applicant or Licensee.
- 18.2 Notice of renewal provided through the mail is a discretionary service and not a requirement under this By-law.
- 18.3 Any renewal notice provided as a service by prepaid ordinary mail shall be deemed to have been received by the Applicant or Licensee on the fifth day following mailing.
- 18.4 It is the responsibility of the Applicant or Licensee to renew on or before the expiry date outlined on the Business Licence.

PART 19 EXEMPTIONS

- 19.1 The City is exempt from the provisions of this By-law.

PART 20 PENALTIES

- 20.1 Every Person who contravenes any provision of this By-law and every director or officer of a corporation who knowingly concurs in such contravention by the

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corporation is guilty of an offence and upon conviction is liable to a fine not exceeding \$25,000.

- 20.2 Where a corporation is convicted of an offence under 20.1 the corporation is liable to a fine not exceeding \$50,000 and not as provided therein.

PART 21 SEVERABILITY

- 21.1 If a Court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue in force.
- 21.2 All schedules and parts referred to in this By-law and attached to this By-law shall be deemed to be part of the By-law.

PART 22 INTERPRETATION

- 22.1 This By-law is known as “the Public Vehicle Licence By-law”.
- 22.2 The provisions of the *Interpretation Act*, R.S.O. 1990, c. I. 11, shall apply to this By-law as required.
- 22.3 If what is known as “Daylight Savings Time” has been generally adopted by the City for any period of the year under any statute, Order-in-Council, By-law, resolution, proclamations, whether the same is effective in law or not; such time shall be held to be the time referred to during such period in any reference to time in this By-law.
- 22.3 In this By-law, unless the context otherwise requires, words importing the singular number shall include the plural, and words importing the masculine gender shall include the feminine.

PART 23 REPEAL AND TRANSITION PROVISIONS

- 23.1 That this By-law come into full force and effect on May 1, 2009 and apply to all new Licences applied for after May 1, 2009 and all Licences with a renewal date of May 1, 2009 or later.
- 23.2 City of Burlington By-law Number 102-2002 and all amendments thereto are hereby repealed.
- 23.3 Notwithstanding section 23.1, any Licence issued under By-law No. 102-2002 shall be deemed to be a Licence under this By-law until the Licence expires and is renewed under this By-law or is revoked in accordance with the provisions of this By-law.

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PART 24 TAXICAB DRIVERS

LICENSING PREREQUISITES – NEW TAXICAB DRIVERS

- 24.1 Every Applicant for a New Taxicab Driver’s Licence shall submit to the Licensing Manager:
- (a) Proof of either,
 - (i) Canadian Citizenship,
 - (ii) Permanent Resident/Landed Immigrant Status, or
 - (iii) A valid work permit to work as a Driver issued by the Government of Canada
 - (b) A certificate prepared by a Physician which states that the Applicant is fit and able to operate a motor vehicle and obtained within the last thirty (30) days from the date of application.
 - (c) A current and valid Class “G” driver’s licence issued by the Province of Ontario, which is in good standing according to the records of the Ministry of Transportation.
 - (d) Minimum of two (2) current passport style photographs.
 - (e) A letter verifying employment from the licenced Taxicab Business.
 - (f) A Driver’s Abstract from the Ministry of Transportation dated within the last thirty (30) days from the date of application, and indicating a minimum of two (2) years class “G” driving experience prior to application date.
 - (g) A Halton Regional Police Service Security Clearance Request or a similar Police Security Clearance from a local Police Service as approved by the Licensing Manager dated within the last thirty(30) days from the date of application.
 - (h) A valid certificate of completion of an approved training course conducted by an educational institution, a vocational training organization or other agency/company recognized and approved by the Licensing Manager.

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- (i) A valid certificate of completion of written examination administered by the City of Burlington or by an educational institution, a vocational training organization or other agency/company approved by the Licensing Manager whereby:
 - (i) A passing grade for the first attempt will be set at seventy percent (70%) on each section of the test;
 - (ii) A passing grade for the each attempt thereafter will be set at eighty percent (80%) on each section of the test.
- (j) A valid certificate of completion of a Defensive Driving course successfully completed within the last five (5) years.

LICENSING PREREQUISITES – RENEWAL of TAXICAB DRIVERS

- 24.2 Every Applicant for a Renewal of a Taxicab Driver's Licence shall submit to the Licensing Manager annually:
- (a) A driver's abstract from the Ministry of Transportation dated within the last thirty (30) days from the date of renewal.
 - (b) A Halton Regional Police Service Security Clearance Request or a similar Police Security Clearance from a local Police Service as approved by the Licensing Manager dated within the last thirty(30) days from the date of renewal.
 - (c) A current and valid Class "G" driver's licence issued by the Province of Ontario, which is in good standing according to the records of the Ministry of Transportation.
 - (d) Every three (3) years, a certificate prepared by a Physician which states that the Applicant is fit and able to operate a motor vehicle and obtained within the last thirty (30) days from the date of renewal.
- 24.3 Notwithstanding, subsection (d), the Licensing Manager may, at any time if he or she believes it may be in the public interest, require a Driver to provide a certificate prepared by a duly qualified medical practitioner attesting as to whether or not the Driver is fit and able to Operate a Taxicab.

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ONTARIO DRIVER'S LICENCE SUSPENDED & DEMERIT POINTS

- 24.4 When a licenced Taxicab Driver's driving record shows six (6) demerit points, the driver is required to notify the Licensing Manager immediately, attend the licensing section for an interview, and will produce a further driving record within six months of the interview.
- 24.5 When a licenced Taxicab Driver's driving record shows eight (8) demerit points, the driver will be required to take a defensive driver's course approved by the Licensing Manager.
- 24.6 When a licenced Taxicab Driver's driving record shows ten (10) demerit points, the taxicab driver's licence will be suspended and the driver shall immediately return the licence issued under this By-law.
- 24.7 When a licenced Taxicab Driver's licence has been suspended, the driver may not apply for re-issuance of a taxicab driver's licence under this By-law until his/her driving record shows less than six (6) demerit points.

NOTIFICATION REQUIREMENTS

- 24.8 When a licenced Taxicab Driver has had his driver's licence cancelled, suspended or revoked, or where the licence has expired, the licence issued under this By-law shall be deemed to be suspended as of the date of cancellation, suspension or revocation of the driver's licence and the driver shall immediately return to the Licensing Manager, the licence issued under this By-law.
- 24.9 All licensees are required to notify the City within twenty-four (24) hours of convictions under the *Criminal Code of Canada*, the *Narcotic Control Act*, the *Food and Drug Act*, the *Controlled Drug and Substances Act*, or the *Highway Traffic Act*.

ACCESSIBLE TAXICAB DRIVER REQUIREMENTS

- 24.10 No Person shall drive an Accessible Taxicab unless:
- (a) The driver meets all of the requirements of a Taxicab Driver under this By-law; and
 - (b) The driver has completed a driver improvement and sensitivity training program with such documentation being submitted to the Licensing Manager in writing by the Taxicab Owner.

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DRIVER TRAINING/TESTING FOR EXISTING TAXICAB DRIVERS

- 24.11 Applicants duly licenced as Taxicab Drivers shall be required every four years or sooner as determined by the Licensing Manager to complete a taxicab refresher training course and complete a written test approved by the Licensing Manager, obtaining a grade of 70% on each section of the test.
- 24.12 The Licensing Manager may require a Driver at any time to complete re-training and re-testing because of complaints received against the Driver, relevant convictions registered on the Driver's provincial driving record or if the Licensing Manager is of the opinion that it would be in the public interest to require the Driver to complete the re-training/re-testing.

TAXICAB DRIVER RESPONSIBILITIES

- 24.13 Every Licenced Driver shall:
- (a) Each day, before commencing the operation of the Taxicab, examine the vehicle for mechanical defects interior or exterior damage, spare tire and wheel and shall report forthwith any defects found, to the owner of the vehicle.
 - (b) Each day, upon completion of the operation of the Taxicab, return the vehicle to the Taxicab Owner and report all defects and all accidents to the owner.
 - (c) Carry the driver's licence issued under this By-law and his Ontario driver's licence with him at all times when operating the vehicle.
 - (d) Have available at all times and produce on request of the Licensing Manager or passenger a current driver's identification card with photograph, approved by the Licensing Manager.
 - (e) Keep a legible daily trip sheet showing:
 - (i) The name of the Taxicab driver, the date and the Taxicab owner's plate number issued under this By-law.
 - (ii) The odometer reading showing on the meter at:
 - (a) The commencement of each shift;
 - (b) The conclusion of each shift;

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- (iii) The time, specific location with address if possible, and destination of every trip made;
 - (iv) The specific amount of each fare collected for each trip;
 - (v) Start and end times of each shift for Driver.
- (f) Deposit the Trip Sheet with the Plate Holder of the Vehicle or Broker licenced under this By-law at the conclusion of each shift.
- (g) Be civil and behave courteously, refraining from using profanity and offer to assist any Passenger when it is evident that the Passenger is a Person with a Disability, elderly or in need of assistance.
- (h) Be well-groomed, neat and clean in Personal appearance, and dressed in pants (no jeans or sweat pants) or skirt, shirt or blouse with a collar and shoes, all free from obvious wear or damage.
- (i) Give a passenger a receipt on an authorized form, showing the Taxicab driver's name and licence number and an identifying number for the vehicle, when requested, or whenever there is a dispute over the fare.
- (j) Except when the driver has made a previous order or engagement, serve the first Person requiring the service of the driver's vehicle at any place within the City, at any time by day or night, except when the Person:
- (i) Is intoxicated or disorderly; or,
 - (ii) Refuses to give his destination; or,
 - (iii) Is in possession of an animal other than a Service Animal; or,
 - (iv) Is eating or drinking any food or beverage; or,
 - (v) Has not paid a previous Fare or cancellation fee; or,
 - (vi) Is in the opinion of the Driver, unable or unwilling to pay the Fare and has been unable or unwilling to satisfy the Driver that he has the funds to pay the Fare; or,
 - (vii) Is a Grossly Unclean Person; or,
 - (viii) Is a Person under the age of twelve (12) years who is not accompanied by an adult; or,

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- (ix) Refuses to wear a seat belt and either fails to produce a medical certificate exempting him/her from wearing a seat belt assembly, or fails to satisfy the Driver that his/her weight is under eighteen (18) kilograms (40lbs); or,
- (x) Is intending to smoke in the vehicle.
- (k) Punctually keep all his appointments, and shall not make any appointment if a previous engagement would prevent him from fulfilling it.
- (l) Take due care of all property delivered or entrusted to him for conveyance or safekeeping, and immediately on the termination of any hiring engagement, shall examine the interior of his vehicle for any property lost or left therein, and all property or money left in his vehicle shall be forthwith delivered to the Person owning the property or money and if the Taxicab owner of the property or money cannot at once be found, the Taxicab driver shall deliver the property or money to the nearest police station, with all information in his possession regarding the property or money.
- (m) When a passenger enters the vehicle and gives the Taxicab driver the desired destination, take the shortest possible route to the destination desired, unless the passenger designates otherwise.
- (n) When a dispute arises with a passenger about the fare, refer the dispute to the Taxicab Owner or Broker for resolution.
- (o) Turn off any radio, tape player or any other sound producing mechanical device in his Taxicab and turn down the volume on the two-way radio upon being requested to do so by any passenger, and having done so, shall leave such devices in the off or turned down position until termination of the trip with the passenger.
- (p) Transport all Passengers who are accompanied by Service Animals or an animal in a portable kennel or cage.
- (q) Engage the Taxicab Meter at the commencement of the trip when the passenger enters the cab and keep it engaged throughout the trip except where a flat rate is applicable.
- (r) Be allowed to engage the Taxicab Meter before the passenger enters the vehicle only after the Taxicab Driver has notified the passenger of his/her arrival and has waited a reasonable time after the due time of the order.

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- (s) At the conclusion of the trip, place the Taxicab Meter in the time off status and after collecting the fare, place it in vacant status.
- (t) Ensure that inside the Taxicab and Accessible Taxicab Vehicle, the following is visible to any Passenger:
 - (i) The Taxicab Drivers photo licence;
 - (ii) The tariff card;
 - (iii) A small self-adhesive sign with the words “If the meter is not on, for rides within the City of Burlington, the fare is free”;
- (u) Not smoke any cigar, cigarette and tobacco and any other substance in the licenced vehicle.
- (v) Not use a cell phone while the vehicle is in motion and/or a passenger is in the vehicle.

DUTIES OF ACCESSIBLE TAXICAB DRIVERS

24.14 Notwithstanding 24.13 (j), every licenced driver of an Accessible Taxicab shall serve the first Person unable to board regular vehicles due to a physical disability requesting the service of his vehicle at any place within the City, at any time of day or night, except where the provisions of 24.13 (j) of this By-law apply.

24.15 Every licenced driver of an Accessible Taxicab shall:

- (a) Offer such assistance as required to facilitate the entry or exit of a physically disabled Person into or out of an Accessible Taxicab.
- (b) Where a wheelchair is being used by a passenger, ensure that the wheelchair is properly secured in the area so provided.
- (c) Ensure that the seatbelt is properly secured.

TAXICAB STANDS

24.16 No vehicle, other than a Taxicab licenced under this By-law, waiting for hire or engagement, shall be parked at any stand, marked as a Taxicab stand by authorized signs.

24.17 Every taxicab driver shall only enter a Taxicab stand by taking his position at the end of any line formed by the Taxicabs already at the stand.

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- 24.18 Every Taxicab Driver shall while waiting at a Taxicab stand or at any other public place:
- (a) Not obstruct or interfere in any way with the normal use of the Taxicab or public place, or interfere with the surrounding traffic patterns; and
 - (b) Not make any loud noise or disturbance; and
 - (c) Be sufficiently close to his Taxicab to have it under observation at all times: and
 - (d) Not wash the Taxicab; and
 - (e) Not make repairs to his Taxicab, unless the repairs are immediately necessary.
 - (f) Not pick up any passenger within sixty (60) meters of a Taxicab stand when there is one or more Taxicab at the stand:
 - (i) Unless an arrangement has been previously made with the passenger to pick them up a certain location; or
 - (ii) Unless the passenger exhibits a preference for that Taxicab, and the chosen Taxicab driver notifies the driver of the first Taxicab on the Taxicab stand.

TAXICAB DRIVER PROHIBITIONS

- 24.19 No licenced driver shall:
- (a) Carry a greater number of passengers than is set out in the manufacturer's rating of seating capacity for such vehicle and a seat belt is available for each passenger.
 - (b) Drive with luggage or any object placed in, hung on or attached to the vehicle in such a manner as will obstruct the Taxicab driver's view of the highway.
 - (c) Take, consume or have in his possession any alcohol, drugs prohibited by law, prescription or non-prescription drugs or intoxicant's which impair the Taxicab drivers ability to operate a vehicle.
 - (d) Use any tariff card, other than that obtained from the Licensing Manager, or remove, exchange, lend or otherwise dispose of the tariff card.

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- (e) Take on any additional passengers after the vehicle has departed with one or more passengers from any one starting point, except under the following circumstances:
 - (i) When done at the request of a passenger already in the vehicle.
 - (ii) In an emergency situation.
- (f) Drive a Taxicab which does not have an owner's plate affixed thereto.
- (g) Drive a Taxicab whose owner is not a licenced Taxicab owner.
- (h) Permit a passenger to stand in a vehicle while the vehicle is in motion.
- (i) Be required to accept any order when the expenditure of money by the licenced Taxicab driver is required on behalf of the passenger.
- (j) Recommend hotels, restaurants or other like facilities unless requested to do so by the passengers.
- (k) Be required to provide change for any note larger than fifty dollars (\$50) unless the fare is at least one-half (1/2) of the value of the said note.
- (l) Operate a Taxicab when the meter has not been adjusted in accordance with the existing current rates set out in this By-law, or when the operation has not been approved by the Licensing Manager.
- (m) Operate a Taxicab when the Taxicab meter does not operate properly.
- (n) Operate a Taxicab without an owner's plate, side numbers and roof light, provided in accordance with the provisions of this By-law.
- (o) Contravene or permit the contravention of the *Smoke Free Ontario Act*.
- (p) Operate a Taxicab, unless such vehicle:
 - (i) Is equipped with a spare tire and jack, ready for use for that vehicle.
 - (ii) Meets the standards required for the issue of an acceptance under an Ontario Ministry of Transportation and Communication Vehicle Inspection report, or meets the standards for the issue of a Safety Standard Certificate of mechanical fitness.

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- (iii) Is clean, dry and in good repair as to its interior (as defined in section 25.20 (a)).
- (iv) Is clean and in good repair as to its exterior, free from exterior body damage (as defined in section 25.20 (b)).
- (q) Induce any Person to engage his vehicle by any misleading or deceiving statement or representation to that Person about the location or distance of any destination named by that Person.
- (r) Recover or receive any fare or charge from any passengers or Persons who had demanded his services, which is greater or less than the fare or charge authorized by this By-law except for a tip, gratuity, credit card, service charge, debit card or toll highway.
- (s) Recover or receive any fare or charge from any Person from whom he has refused to show the tariff card.
- (t) Make any charge for time lost through defects or inefficiency of the vehicle or the incompetence of the Taxicab driver.
- (u) Make any charge for the time elapsed due to early arrival of the vehicle in response to a call for the vehicle to arrive at a fixed time.
- (v) Enter into or become a party to an exclusive concession agreement.
- (w) Agree to pay, accept a fee or consideration or do any other act or thing pursuant to an exclusive concession agreement.
- (x) Charge a tariff which is not in accordance with the appropriate tariff as set out in 27.1 to this Licensing By-law.
- (y) Use or permit to be used a two-way radio or monitoring device in the Taxicab which enables transmission and/or receive any frequency of another licenced Taxicab Owner or Taxicab Broker licenced under this By-law, with whom the driver is not affiliated.
- (z) Be actively affiliated with more than one licenced Taxicab Broker at any time.

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PART 25 TAXICAB OWNERS

LICENSING PREREQUISITES – TAXICAB OWNERS

25.1 Every Applicant for a Taxicab Owner's Licence shall:

- (a) Submit to the Licensing Manager;
 - (i) A current motor vehicle permit which is in good standing and was issued in the applicant's name by the Province of Ontario for the motor vehicle of which they are the owner.
 - (ii) A copy of a current Ontario Standard Automobile Insurance policy, for the vehicle for which he is the owner. The policy shall be endorsed to provide that the Licensing Manager be given at least (10) days notice in writing prior to any cancellation, expiration or change in the amount of the policy. The policy should insure, in respect to any one accident, an amount of at least \$2,000,000 exclusive of interest and cost.
 - (iii) A copy of a Taxicab Driver's Licence issued under this By-law.
- (b) Meet the requirements of 25.19 of this By-law relating to the vehicle.
- (c) Comply with all the provisions of this By-law.
- (d) Provides, on his own or in conjunction with a licenced Taxicab broker, a suitable Dispatch service, approved by the Licensing Manager, for the dispatching of all licenced Taxicab and Accessible Taxicabs on a twenty-four (24) hour basis, 7 days a week.
- (e) If the applicant for a Taxicab owner's licence is a corporation, the Person holding the shares carrying at least fifty-one per-cent (51%) of the voting rights of the corporation shall be a driver licenced under of this By-law. If no one Person holds at least fifty-one per-cent (51%) of the voting rights of the corporation, then the corporation shall designate one Person to be the licenced driver.

EVERY LICENCED TAXICAB OWNER SHALL:

25.2 Keep at all times in the vehicle of which he is the Taxicab owner, the original, or a photo copy of the original, of each of the following documents:

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- (a) A current motor vehicle permit which is in good standing and was issued in the applicant's name by the Province of Ontario for the motor vehicle of which they are the owner.
 - (b) The current owner's licence issued under this By-law.
 - (c) The certificate of liability insurance for the vehicle, in accordance with the By-law.
- 25.3 Affix the Taxicab owner's plate to the left rear trunk, or at a location and in a manner approved by the Licensing Manager.
- 25.4 Employ or use only the services of Taxicab drivers licenced under this Part.
- 25.5 Repair any mechanical defect in the vehicle by a licenced mechanic, reported to him by a licenced Taxicab driver.
- 25.6 Retain copies of the daily trip sheet submitted by the licenced Taxicab driver of the vehicle for at least six (6) months and make them available for inspection at the request of the Licensing Manager.
- 25.7 Have in or on the vehicle: the Taxicab owner's plate number for that Taxicab in letters of at least 15cm affixed on both front fenders, on top rear of the fender, or at a location and in a manner approved by the Licensing Manager.
- 25.8 Affixed at a location and in a manner approved by the Licensing Manager, the current tariff card.
- 25.9 A Taxicab meter of the type approved and road tested by the Licensing Manager and mounted in a position approved by the Licensing Manager so that it is clearly visible to the passengers in the front and rear seats of the Taxicab.
- 25.10 An electrically illuminated roof sign which is securely attached to the top of the Taxicab in a manner approved by the Licensing Manager and wired to the Taxicab meter and working in conjunction with the Taxicab meter so that it is not illuminated when the meter is engaged and is illuminated when the headlights are on and the meter is in the vacant status.
- 25.11 Make the vehicle(s) available for service on a twenty-four (24) hour, 7 days a week basis for Taxicab services within the City of Burlington.
- 25.12 Ensure that every licenced vehicle is repaired and maintained by a licenced Mechanic.

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- 25.13 Provide Taxicab vehicles powered only with Alternative Fuel, with the exception of Accessible Taxicab Vehicles.
- 25.14 Ensure vehicles comply with requirements of 25.19.

VEHICLE OWNER PROHIBITIONS:

- 25.15 No Licenced Taxicab Owner shall:
- (a) Except when affiliated with a Taxicab broker, permit a vehicle not owned by him/her, to be operated under the authority of his/her owner's plate.
 - (b) Permit a vehicle of which he/she is a Taxicab owner, to be operated with mechanical defects of which he/she is aware.
 - (c) Operate a vehicle or permit a vehicle to be operated under this By-law, without the Taxicab owner's plate or sticker for that Taxicab attached thereto.
 - (d) Operate a vehicle or permit a vehicle to be operated which is not registered under this By-law.
 - (e) On any vehicle licenced under this By-law, display any Taxicab owner's plate, decal or sticker, issued by the licensing authority of any other municipality.
 - (f) Operate a vehicle that is not clean and in good repair as to its exterior, free from exterior body damage.
 - (g) Put any name, address or telephone number or identification other than that of himself/herself or the Taxicab broker with whom he/she is affiliated, on his/her Taxicab roof sign.
 - (h) Use or permit to be used on his/her Taxicab, any emblem, decal, roof-sign or other markings which are the same shape and/or colour or similar to any distinctive emblem, decal, roof-sign or other markings being used by any other Taxicab owner or Taxicab broker with whom he/she is not affiliated.
 - (i) Operate a Taxicab which has the same distinctive colour scheme being used by any other Taxicab owner or Taxicab broker with whom he/she is not affiliated.
 - (j) Operate or permit his Taxicab to be operated in affiliation with a Taxicab broker who is not licenced under this By-law.
 - (k) Display or permit the display of any sign, emblem, decal, ornament or advertisement, on or in his/her Taxicab except in a form approved by the Licensing Manager.

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- (l) Operate or permit his/her Taxicab to be operated, unless the Taxicab meter is an approved type, and has been tested and approved by the Licensing Manager.
- (m) Operate or permit his/her Taxicab to be operated for the purpose of transporting children to or from schools, except in compliance with the following provisions.
 - (i) No licenced Taxicab owner and no licenced Taxicab driver shall use any vehicle for the transportation of children to and from school unless such vehicle is licenced as a Taxicab by the municipality.
 - (ii) Each passenger shall be required to have their own seat belt.
 - (iii) No child shall be permitted to stand in the Taxicab while it is in motion.

INSURANCE

- 25.16 When a licenced owner ceases to have a current and valid Ontario standard automobile insurance policy in good standing and properly endorsed in accordance with the provisions of 25.1 (a)(ii) of this By-law, the licence shall be deemed to be suspended and the licence shall only be reinstated when written proof of insurance in accordance with the provisions of this Part is delivered to the Licensing Manager.
- 25.17 When the licenced Taxicab owner has his/her licence suspended under 25.16, he/she shall forthwith remove the Taxicab owner's plate and return the Taxicab owner's plate and the licence to the Licensing Manager.
- 25.18 All insurance renewal policies or certificates of insurance shall be filed with the Licensing Office ten (10) days prior to the expiry date of the current insurance policy.

VEHICLE STANDARDS

- 25.19 An applicant for a Taxicab Owner and an Accessible Taxicab Owner's licence under this By-law shall, before using the vehicle in accordance with this By-law:
- (a) Attend at the Licensing Office and produce a copy of the current passenger motor vehicle permit in good standing, issued by the Province of Ontario, in the applicant's name, a copy of the current Ontario Standard Automobile Insurance Policy to show the Taxicab owner's licence.

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- (b) Submit the vehicle to be registered for inspection and approval by the Licensing Manager.
- (c) Produce and file with the Licensing Manager, either:
 - (i) An Ontario Ministry of Transportation and Communications Vehicle Inspection Report, showing that the vehicle has been accepted, within the previous thirty (30) days; or
 - (ii) A Safety Standard Certificate, issued under the *Highway Traffic Act* within thirty (30) days.
- (d) File with the Licensing Manager, all documents relating to the vehicle including documentation relating to ownership, or vehicle operation.
- (e) Provide all vehicles with same distinctive colour schemes as approved by the Licensing Manager, and such vehicles shall not be similar in appearance to emergency service vehicles.
- (f) Ensure that the vehicle to be registered has:
 - (i) A roof light.
 - (ii) A Taxicab meter.
 - (iii) All identifying decals or markings.
 - (iv) Fender numbers.
 - (v) Tint Free windows.
 - (vi) All other items, which make the vehicle appear to the public to be a Taxicab.
- (g) Provide for approval, only vehicles powered by alternative fuel, and provide a certificate from an authorized inspection station, accounting for such vehicle's mechanical fitness.

INTERIOR AND EXTERIOR CONDITION OF TAXICAB VEHICLES

25.20 Every Taxicab or Accessible Taxicab Vehicle Owner and Taxicab Driver shall:

- (a) Maintain the interior and exterior of the Taxicab and Accessible Taxicab Vehicle in a clean and tidy condition, including maintaining the interior:

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- (i) Free from all dust, dirt, grease, oil, adhesive resin and any other item that can be transferred on to the Person, clothing or possessions of a Passenger;
 - (ii) Free of all waste paper, cans, garbage or any other item not intrinsic to the operation of the motor vehicle;
 - (iii) Free of noxious substances;
 - (iv) Free of excess wear including tears and cigarette burns in the upholstery;
 - (v) In a dry condition;
 - (vi) In good repair;
 - (vii) With working seat belts;
 - (viii) With side windows designed to open and close;
 - (ix) With every seat securely mounted maintaining its position and adjustment;
 - (x) With a working dome light;
 - (xi) With operable air-conditioning and heating
 - (xii) With side windows which are intended to open in good working order
- (b) And maintaining the exterior:
- (i) Free from all dust, dirt, grease, oil, adhesive resin and any other item that can be transferred on the Person, clothing or possessions of a Passenger, except water or snow;
 - (ii) In good repair;
 - (iii) Free from exterior body damage;
 - (iv) With no missing or removed fender, grill or molding;
 - (v) With securely closing doors and trunk lid;
 - (vi) With all handles and catches in good repair;

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- (vii) Paint or finish; and
- (viii) With four matching hubcaps.

TAXICAB VEHICLE AGE LIMITATION:

- 25.21 For the purpose of this By-law the age of a Vehicle shall be determined from August 31st of the model year of said Vehicle. Accessible Taxicab Vehicles are exempt from this section.
- 25.22 (a) No Motor Vehicle more than eight (8) years old shall be used as a Taxicab in the City.
- (b) No Motor Vehicle more than five (5) years old may be registered for the first time as a Taxicab under this By-law
- 25.23 To provide an appropriate phase in period for existing Taxicabs licenced by the City, the requirements of section 25.22 shall not apply to a Vehicle that has been licenced by the City as a Taxicab on or before December 31, 2008 to which a Taxicab Plate is affixed provided that the following requirements have been satisfied:
- (a) Any Vehicle from Model Year 1998 or older shall not be used as a Taxicab in the City after December 31, 2009, and may be replaced with a Vehicle with a Model Year 2004 or newer;
 - (b) Any Vehicle from Model Years 2001 or older shall not be used as a Taxicab in the City after December 31, 2010, and may be replaced with a Vehicle with a model year 2005 or newer;
 - (c) Any Vehicle from Model Years 2003 or older shall not be used as a Taxicab in the City after December 31, 2011, and may be replaced with a Vehicle with a model year 2006 or newer;

SAFETY FEATURES

- 25.24 Commencing on May 1, 2010, each Taxicab and Accessible Taxicab Vehicle shall be equipped with an Automatic Vehicle Location System with Panic Button and a fully operational security camera that meets the specifications set out by the Licensing Manager.

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DISPOSAL AND VEHICLE REPLACEMENT

- 25.25 A Taxicab owner licenced under this By-law who disposes of his vehicle or otherwise ceases to use his vehicle for the purposes permitted under this By-law and acquires another vehicle for the purposes permitted under this By-law, before using the new vehicle acquired as a Taxicab shall:
- (a) Attend at the Licensing Office and produce a copy of the current passenger motor vehicle permit in good standing issued by the Ministry of Transportation in the plate owner's name, owner's licence, and a copy of the current Ontario Standard Automobile Insurance Policy, endorsed to show the vehicle being registered.
 - (b) Produce and file with the Licensing Manager, either:
 - (i) An Ontario Ministry of Transportation and Communications Vehicle Inspection Report showing that the vehicle has been accepted within the previous thirty (30) day; or
 - (ii) A Safety Standard Certificate issued under the *Highway Traffic Act* within thirty (30) days of the application.
 - (c) File with the Licensing Manager all documents required to report the change, including documentation relating to ownership, or vehicle operation.
- 25.26 In addition to the provisions of 25.25 the vehicle to be used shall be submitted for inspection by the Licensing Office during normal business hours and shall not be used until the inspection has taken place, the approval given, and the provisions of 25.25 have been satisfied.
- 25.27 When the licenced owner meets all the requirements of this Part, the vehicle shall be deemed to be registered.
- 25.28 When the licenced Taxicab owner disposes of or otherwise ceases to use as a Taxicab, the vehicle registered, he/she shall immediately remove from the said vehicle being disposed of:
- (a) The roof light.
 - (b) The Taxicab meter.
 - (c) All indentifying decals or markings.
 - (d) Fender numbers.

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- (e) Taxicab Plate.
- (f) All other items which make the vehicle appear to the public to be a Taxicab.

CONDITIONS

Transfer of Licence

- 25.29 (a) The licence issued to a Taxicab Owner, Accessible Taxicab Owner and Taxicab Driver under this By-law is not transferable, but subject to any other provisions of this By-law, a Taxicab Owner, Accessible Taxicab Owner and Taxicab Driver may sell his vehicle and its equipment to any Person and upon such sale the Taxicab Owner, Accessible Taxicab Owner and Taxicab Driver Owner's licence issued in respect of such vehicle shall be terminated.
- (b) On the purchase of a vehicle from a holder of an existing Taxicab Owner's licence, the purchaser may apply as an original applicant for a Taxicab owner's licence and to be considered, must meet all the requirements of this By-law for an Taxicab owner's licence.
- (c) When controlling interest in any limited company holding a licence under this By-law is being sold, the purchaser of the shares shall apply for the consent of Licensing Committee to obtain such licenses.

RIGHT OF INSPECTION OF PREMISES OR VEHICLES

- 25.30 Every Taxicab owner licenced under this By-law shall submit his vehicle(s) to the Licensing Manager for two mandatory inspections per year and shall provide at his own expense either:
- (a) An Ontario Ministry of Transportation and Communications Vehicle Inspection Report, showing that the vehicle has been accepted within the past thirty (30) days; or
 - (b) A Safety Standard Certificate issued under the *Highway Traffic Act* within thirty (30) days of inspection date.
- 25.31 The Licensing Manager may require at any time that a Taxicab Owner, or Taxicab Driver shall submit his vehicle for inspection at an appointed place.
- 25.32 Every Taxicab and Accessible Taxicab shall be inspected by the Licensing Manager or designate before any licence is granted and no Taxicab or Accessible Taxicab Owner or Taxicab Driver shall refuse or neglect to submit such Taxicab

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or Accessible Taxicab for inspection when required, or prevent or hinder the said Licensing Manager or designate from inspecting and/or testing the said taxicab, or entering any garage or other building for such purpose.

- 25.33 Every Taxicab and Accessible Taxicab Plate Owner shall submit the Taxicab and Accessible Taxicab Vehicle to random inspections at any time specified by the Licensing Manager.
- 25.34 When the Licensing Manager believes that a Taxicab or Accessible Taxicab Vehicle or its equipment is mechanically defective, the Taxicab or Accessible Taxicab Plate Owner or Taxicab Driver shall be given written notice requiring such Taxicab and Accessible Taxicab Plate Owner or Taxicab Driver to submit the Taxicab or Accessible Taxicab Vehicle for examination by a certified mechanic duly licenced by the Province of Ontario within twenty-four (24) hours.

PART 26 BROKERS

- 26.1 Every Applicant for a Broker Licence shall:
- (a) Attend at the office of the Licensing Office in Person and complete a written Application for such Licence;
 - (i) If a corporation, file copies of the letters of incorporation or other incorporating documents, duly certified by the proper government official or department, together with an annual return which contains a list of all shareholders of the corporation; or
 - (ii) If a partnership, provide the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business.
 - (b) Provide proof to the satisfaction of the Licensing Manager that:
 - (i) The premises from which the Broker's Business will operate are within the geographical boundaries of the City, are appropriately zoned and will continue to be so located and zoned throughout the term of the Licence;
 - (ii) There is a system for receiving Orders and Dispatching Taxicabs and/or Accessible Taxicab Vehicles licenced under this By-law in the Fleet and that the system will not interfere with any other Broker; and
 - (iii) Pay all the fees prescribed by this By-law.

TAXICAB BROKER DUTIES:

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26.2 Every licenced Taxicab Broker shall:

- (a) Maintain an office within the municipality, from which the Taxicab brokerage is operated.
- (b) Provide the Licensing Manager with a list, showing in numerical order by Taxicab owner's plate number, the name of every Taxicab driver operating any Taxicab with which he has entered into any arrangement for the provision of Taxicab brokerage services.
- (c) Notify the Licensing Manager, in writing, within ten (10) days of any additions or deletions from the list provided under 26.2 (b) above.
- (d) Keep a record of each Taxicab dispatched on a trip, the time and date of receipt of the order, and the pick-up location and retain these records for a period of at least three (6) months.
- (e) Supply the Licensing Manager with a copy of the Federal Radio Licence call sign and frequency number if any.
- (f) Upon request, inform any customer of the anticipated length of time required for a Taxicab to arrive at the pick-up location.
- (g) When volume of business is such that service will be delayed to a prospective customer, the broker shall inform the customer of the approximate length of the delay, before accepting the order.
- (h) Dispatch a Taxicab to any Person requesting service within the municipality, unless the Person requesting service has not paid for a previous trip and these facts are verified by the Taxicab Broker.
- (i) Carry on business only in the name in which he is licenced.
- (j) On instructions of the Licensing Manager, not dispatch calls to any Taxicab, if the licenced owner or licenced driver, in the opinion of the Licensing Manager, may have contravened any Part of this By-law, which substantially affects the public.
- (k) On a monthly basis, provide to the Licensing Manager a list showing the number of Taxicabs available for service to the public on any particular day, including the times when it was last available for service on that day and also including the number of dispatched calls serviced by each such Taxicab.
- (l) Employ or use only the services of a Taxicab owner or Taxicab driver licenced under this By-law.

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- (m) Make the Taxicab brokerage services available on a twenty-four (24) hours, 7 days a week basis for Taxicab services within the City of Burlington.
- (n) Take reasonable steps to ensure that employees behave civilly and courteously in the performance of their duties; and
- (o) Ensure that a request for Accessible Taxicab service from or for a Person with a disability shall be dispatched on a priority basis to the next available Accessible Taxicab Vehicle located nearest the location of the request for service.

26.3 A licence issued to a Taxicab Broker under this By-law may be cancelled by the Licensing Manager at any time, if the Taxicab Broker fails to actively operate for a continuous period of thirty (30) days or an aggregate total time exceeding sixty (60) days in a 12-month period, unless the Taxicab Broker can show to the satisfaction of the Licensing Manager, just cause for such failure.

TAXICAB BROKER PROHIBITIONS:

26.4 No licenced Taxicab Broker shall:

- (a) Accept orders for, or in any way dispatch or direct orders to a Taxicab, licenced under this By-law:
 - (i) When the activity would be illegal under another municipal Taxicab or similar licensing By-law, or provincial statute.
 - (ii) Where the fare is less than that permitted under this By-law.
- (b) Accept orders for, or in any way dispatch or direct orders to a Taxicab, which is not licenced under this By-law for a pick-up location within the boundaries of the City of Burlington.
- (c) Be permitted to have exclusive rights to any Taxicab stand in the municipality, or enter into or become a party to any exclusive concession agreement.
- (d) Require any Taxicab driver to accept any order necessitating the expenditure of money, by the Taxicab driver, on behalf of the customer.
- (e) Enter into an agreement for the provision of Taxicab brokerage services with a Taxicab driver or Taxicab owner who is already affiliated with another Taxicab broker.

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- (f) Make any charge or financial demand, directly or indirectly, of a Taxicab owner other than brokerage fees.
- (g) Dispatch to any Person within the City of Burlington, a Taxicab, which is not on the list provided under 26.2 (b).
- (h) Charge a tariff or enter into an agreement to charge a tariff, which is not in accordance with the appropriate tariff in this By-law.

26.5 Every Broker licenced under this By-law shall keep a record:

- (a) Of every car dispatched on a trip, the date and time of Dispatch, the specific place of pick-up of such trip and shall retain such record for a period of at least twelve (12) months and shall, at the request of the Licence Officer, or any Person designated by him/her, allow such records to be inspected by such Person;
- (b) Of the name of every Taxicab Driver driving a Taxicab or an Accessible Taxicab Vehicle in respect of which the said Broker has any arrangement or agreement for the accepting of calls for service and shall provide any information from this record requested by the Licence Manager upon twenty-four (24) hours notice; and
- (c) Showing the following information, and such record shall be open for inspection during office hours by any Police Officer, the Licensing Manager or designate:
 - (i) The number of calls for Taxicab and an Accessible Taxicab service received;
 - (ii) The number of such calls which are not serviced and the reason thereof.

PART 27 TARIFFS AND EXEMPTIONS FROM TARIFFS

27.1 The following regular tariffs shall apply to Taxicab operating in the City of Burlington.

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TAXICAB TARIFF SCHEDULE

- | | | |
|-----|---|--------------|
| (a) | Flag drop | \$3.25 |
| | Each additional 54.05 meters or part thereof | \$0.10 |
| | Each Kilometer | \$1.85 |
| | Waiting time while under engagement for each minute | \$0.50 |
| (b) | Fee for use of debit | Up to \$1.50 |
| (c) | <u>A Seniors Citizens Tariff Fare Discount</u> | |

A senior citizen tariff fare discount of 10% shall be given to senior citizens upon producing identification issued by the Federal or Provincial Governments confirming the individual to be 60 years of age or older.

- (i) The 10% discount shall apply to the total fare.
- (ii) The discount in fare shall be calculated on the nearest full dollar registered on the fare meter.
- (iii) This subsection does not apply to Limousine tariffs.
- (iv) Such discount shall be noted in all advertising, i.e., Yellow Pages, etc.

FLAT RATE

- 27.2 (a) The regular tariff rates referred to in this By-law, shall not apply to Taxicabs being used for the transportation of children to and from school, or to Taxicabs operating under contract to any business, organization or government agency for the transportation of handicapped Persons.
- (b) When a Taxicab driver picks up a passenger within the municipality, with the destination outside the municipality, the driver and the passenger may agree before the commencement of the trip, on a flat rate.

TAXICAB METER ROAD TEST

- 27.4 When the Licensing Manager is not available to road test the Taxicab as required under 25.9 the licenced Taxicab Owner or the licenced Taxicab Driver who has had the Taxicab meter altered, repaired or replaced in the Taxicab, may operate the Taxicab on a weekend for a period of up to seventy-two (72) hours and during the week for a period of up to forty-eight (48) hours, provided that licenced Taxicab driver has in possession a certificate or receipt for the repair or installation of the Taxicab meter, signed by the Person who made the repairs or

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installation and the receipt sets out the date, time and nature of the repairs or installation.

PART 28 VEHICLE OUT OF SERVICE

- 28.1 Every Taxicab or Accessible Taxicab Owner shall be required to notify the Licensing Manager, in writing, of the particulars of any Taxicab or Accessible Taxicab vehicle which has been taken out of service for longer than three (3) days and the date thereof, within three (3) days of such event.
- 28.2 A Taxicab or Accessible Taxicab Vehicle shall not be taken out of service for more than fifteen (15) consecutive days, nor an aggregate total time exceeding thirty (30) days in a calendar year without the prior written consent of the Licensing Manager, failing which, the Taxicab or Accessible Taxicab Vehicle Plate relating to that specific vehicle may be revoked, in the sole discretion of the Licensing Manager.
- 28.3 Every Taxicab or Accessible Taxicab Vehicle Owner may apply for permission to maintain a substitute Taxicab or Accessible Taxicab Vehicle to temporarily replace vehicles, which are seriously damaged or damaged beyond repair, during the period of repair or replacement and subject to the following conditions:
- (a) The substitute vehicle must meet all the requirements of this Part and shall be required to be inspected for safety and cleanliness by the Licensing Office;
 - (b) There shall be no fee for the temporary transfer of licences to substitute vehicles;
 - (c) The Taxicab or Accessible Taxicab vehicle plate holder shall be required to advise the Licensing Manager in writing by letter or facsimile transmission that the substitute vehicle has been brought into service and the Taxicab or Accessible Taxicab Vehicle plate has been affixed to the substitute vehicle, and shall advise when the originally licenced vehicle has returned to service; and,
 - (d) No temporary transfer of a licence to a vehicle shall be permitted for a period exceeding six (6) months.

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PART 29 ISSUANCE OF NEW PLATES

Limitation of Taxicab Owner Licences

- 29.1 A ratio based on the population growth of the City is used to determine the number of Taxicab and Accessible licence plates to be issued. The ratio is 1:2,800 (1 Taxicab owner licence per 2,800, City of Burlington residents) and the total number of Licences will be reviewed every 5 years. For the purposes of this section, the number of residents of the City shall be as determined by the latest revised population figures available from Statistics Canada (five-year actuals).
- 29.2 The total number of Taxicab Owner Licences and Owner Plates (Taxicab and Accessible) issued at any given time shall not exceed the number established by the ratio; but the number of Taxicab Owner Licences and Owner Plates may be less at the discretion of Council.
- 29.3 The Licensing Manager may annually issue new Accessible Taxicab Owner Licences and Owner Plates within three months of the estimated annual population statistics from Statistics Canada if warranted, subject to direction of Council.
- 29.4 Every five years, based on the population figures from Statistics Canada, the Licensing Manager will issue new Owner Plates in accordance with the ratio noted in section 29.1, with the allocation between Accessible Taxicabs and Taxicabs at the sole discretion of Council.

ISSUING NEW PLATES

- 29.5 The City will issue all new Accessible and Taxicab Owner Plates through a Request for Proposal process, in accordance with the City's purchasing policy and will require all applicants to produce a copy of their Business Plan.
- 29.6 In order to qualify, the Applicant must meet the following eligibility requirements:
- (a) An applicant must be a full time Taxicab driver in the City of Burlington for at least two years prior to the date of filing the application and have been driving a Taxicab for at least 35 hours per week for 44 weeks of the last 12 month period immediately preceding the date of the application, and provide documentary evidence showing employment as a driver in the City of Burlington Taxicab industry, or
 - (b) An applicant must have been a Taxicab driver in the City of Burlington within the past four (4) years immediately prior to the date of filing the

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application and have been driving a Taxicab for at least 24 hours per week for 44 weeks of the last twelve (12) months preceding the application or have been continuously employed as a full time employee in the Taxicab industry in the City of Burlington (35 hours per week for 44 weeks of the last twelve month period preceding the application) as a dispatcher, supervisor, manager, or owner, and provide documentary evidence showing full time employment in the Taxicab industry in the City of Burlington over the past four years, including proof of having been a driver during that period or,

- (c) An applicant must have been an owner or broker licenced under this By-law for a minimum of two (2) years
- (d) The applicant must not currently have any Taxicab owners licence plates that are not in use.

29.7 The Business Plan must include but not be limited to the following requirements:

- (a) How they intend to provide round the clock service.
- (b) How the plate owner will be involved in the day to day operation of the company and any other staff positions that will be responsible for the operation.
- (c) Provide details of proposed dispatch, which must be located in Burlington.
- (d) Type of vehicle (only those vehicles using alternative fuel will be accepted).
- (e) Provide vehicle maintenance plan.
- (f) A colour scheme for the Taxicab.
- (g) A contingency plan when a vehicle is out of service.
- (h) Provide a copy of Articles of Incorporation and/or Business Registration to be submitted.
- (i) A sample copy of the trip sheets to be used in his/her Taxicab company.
- (j) Provide a description of who will be involved in the operation of the Taxicab company (i.e. dispatcher, manager), if applicable.
- (k) If the new Taxicab company has an agreement with a current Taxicab company, a copy of that agreement must be submitted.

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- (l) Indication of the minimum number of plates required to operate a viable business that is in compliance with all City By-law requirements.
 - (m) How driver training will be provided.
- 29.8 All business plans will be evaluated based on the criteria outlined in the request for proposals. Following the evaluation of the business plans submitted, the Licensing Manager will make a recommendation to Council on the successful applicant.
- 29.9 Upon issuing new Taxicab Owner Plates the Taxicab Plate Holder will submit an updated business plan after one year of receiving the new Taxicab Plates to document their progress in meeting the originally identified business plan requirements. The Licensing Manager, upon completing the review of the Business Plan, or from time to time, shall make a recommendation to Council whether the Plates should continue to be held by the existing Plateholder or returned to the City for redistribution.

PART 30 LIMOUSINES

LICENSING PREREQUISITES – NEW LIMOUSINE DRIVERS

- 30.1 Every Applicant for a New Limousine Driver's Licence shall submit to the Licensing Manager:
- (a) Proof of either,
 - (i) Canadian Citizenship,
 - (ii) Permanent Resident/Landed Immigrant Status, or
 - (iii) A valid work permit to work as a Driver issued by the Government of Canada
 - (b) A certificate prepared by a Physician which states that the Applicant is fit and able to operate a motor vehicle and obtained within the last thirty (30) days from the date of application.
 - (c) A current and valid Class "G" driver's licence issued by the Province of Ontario, which is in good standing according to the records of the Ministry of Transportation and Communications.
 - (d) Minimum of two (2) current passport style photographs.
 - (e) A letter verifying employment from the licenced Limousine Business.

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- (f) A Driver's Abstract from the Ministry of Transportation and Communications dated within the last thirty (30) days from the date of application, and indicating a minimum of two (2) years class "G" driving experience prior to application date.
- (g) A Halton Regional Police Service Security Clearance Request or a similar Police Security Clearance from a local Police Service as approved by the Licensing Manager dated within the last thirty(30) days from the date of application.
- (h) A valid certificate of completion of a Defensive Driving course successfully completed within the last five (5) years.

LICENSING PREREQUISITES – RENEWAL of LIMOUSINE DRIVERS

30.2 Every Applicant for a Renewal of a Limousine Driver's Licence shall submit to the Licensing Manager annually:

- (a) A Driver's Abstract from the Ministry of Transportation and Communications dated within the last thirty (30) days from the date of renewal.
- (b) A Halton Regional Police Service Security Clearance Request or a similar Police Security Clearance from a local Police Service as approved by the Licensing Manager dated within the last thirty(30) days from the date of renewal.
- (c) A current and valid Class "G" driver's licence issued by the Province of Ontario, which is in good standing according to the records of the Ministry of Transportation and Communications.
- (d) Every three (3) years, a certificate prepared by a Physician which states that the Applicant is fit and able to operate a motor vehicle and obtained with the last thirty (30) days from the date of renewal.

30.3 Notwithstanding, subsection (d), the Licensing Manager may, at any time if he or she believes it may be in the public interest, require a Driver to provide a certificate prepared by a duly qualified medical practitioner attesting as to whether or not the Driver is fit and able to Operate a Limousine.

ONTARIO DRIVER'S LICENCE SUSPENDED & DEMERIT POINTS

30.4 When a licenced Limousine Driver's Ontario Driver's record shows six (6) demerit points, the driver is required to notify the Licensing Manager immediately, attend the licensing section for an interview, and will produce a

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further Ontario Driver's record within six months of the interview.

- 30.5 When a licenced Limousine Driver's Ontario Driver's record shows eight (8) demerit points, the driver will be required to take a defensive driver's course approved by the Licensing Manager.
- 30.6 When a licenced Limousine Driver's Ontario Driver's record shows ten (10) demerit points, the limousine driver's licence will be suspended and the driver shall immediately return to the licensing section the licence issued under this By-law.
- 30.7 When a licenced Limousine Driver's licence has been suspended, the driver may not apply for re-issuance of a limousine driver's licence under this By-law until his/her Ontario Driver's record shows less than six (6) demerit points.

NOTIFICATION REQUIREMENTS

- 30.8 When a licenced Limousine Driver has had his Province of Ontario driver's licence cancelled, suspended or revoked, or where the licence has expired, the licence issued under this By-law shall be deemed to be suspended as of the date of cancellation, suspension or revocation of the Province of Ontario driver's licence and the driver shall immediately return to the Licensing Manager, the licence issued under this By-law.
- 30.9 All licensees are required to notify the City within twenty-four (24) hours of convictions under the *Criminal Code of Canada*, the *Narcotic Control Act*, the *Food and Drug Act*, the *Controlled Drug and Substances Act*, or the *Highway Traffic Act*.

LIMOUSINE DRIVER RESPONSIBILITIES

- 30.10 Every Licenced Driver shall:
 - (a) Each day, before commencing the operation of the Limousine, examine the vehicle for mechanical defects interior or exterior damage, spare tire and wheel and shall report forthwith any defects found, to the owner of the vehicle.
 - (b) Each day, upon completion of the operation of the Limousine, return the vehicle to the Limousine Plate holder and report all defects and all accidents to the owner.
 - (c) Carry the driver's licence issued under this By-law and his Ontario driver's licence with him at all times when operating the vehicle.

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- (d) Have available at all times and produce on request of the Licensing Manager or passenger a current driver's identification card with photograph, approved by the Licensing Manager.
- (e) Be civil and behave courteously, refraining from using profanity and offer to assist any Passenger when it is evident that the Passenger is a Person with a Disability, elderly or in need of assistance;
- (f) Ensure that packages carried shall be of a size to be wholly enclosed either in the vehicle or trunk/cargo area;
- (g) Not smoke any cigar, cigarette and tobacco and any other substance in the licenced vehicle.
- (h) Not use a cell phone while the vehicle is engaged.
- (i) While conveying passengers in a Limousine be attired in an appropriate uniform, and such uniform shall be kept in neat and tidy condition at all times.
- (j) Inform each Person contracting for conveyance by Limousine of the rate charged at the time of contracting such conveyance and no greater amount shall be demanded or received.
- (k) Ensure that all business conducted is through pre-arranged trips.

LIMOUSINE DRIVER PROHIBITIONS

30.11 No licenced driver shall:

- (a) Carry a greater number of passengers than is set out in the manufacturer's rating of seating capacity for such vehicle and a seat belt is available for each passenger.
- (b) Drive with luggage or any object placed in, hung on or attached to the vehicle in such a manner as will obstruct the Limousine Driver's view of the highway.
- (c) Take, consume or have in his possession any alcohol, drugs prohibited by law, prescription or non-prescription drugs or intoxicant's which impair the Limousine Driver's ability to operate a vehicle.
- (d) Drive a Limousine which does not have an owner's plate affixed thereto.
- (e) Drive a Limousine whose owner is not a licenced Limousine owner.

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- (f) Permit a passenger to stand in a vehicle while the vehicle is in motion.
 - (g) Be required to accept any order when the expenditure of money by the licenced Limousine driver is required on behalf of the passenger.
 - (h) Recommend hotels, restaurants or other like facilities unless requested to do so by the passengers.
 - (i) Contravene or permit the contravention of the *Smoke Free Ontario Act*.
 - (j) Operate a Limousine, unless such vehicle:
 - (i) Is equipped with a spare tire and jack, ready for use for that vehicle.
 - (ii) Meets the standards required for the issue of an acceptance under an Ontario Ministry of Transportation and Communication Vehicle Inspection report, or meets the standards for the issue of a Safety Standard Certificate of mechanical fitness.
 - (iii) Is clean, dry and in good repair as to its interior (as defined in section 31.13).
 - (iv) Is clean and in good repair as to its exterior, free from exterior body damage (as defined in section 31.13).
- 30.12 Shall recover or receive any fare or charge from any passengers or Persons who had demanded his services, which is greater or less than the fare or charge authorized by this By-law except for a tip, gratuity or credit card service charge.
- 30.13 Make any charge for time lost through defects or inefficiency of the vehicle or the incompetence of the Limousine driver.

PART 31 LIMOUSINE OWNERS

LICENSING PREREQUISITES – LIMOUSINE OWNERS

- 31.1 Every Applicant for a Limousine Owner's Licence shall:
- (a) Submit to the Licensing Manager;
 - (i) A current motor vehicle permit which is in good standing and was issued in the applicant's name by the Province of Ontario for the motor vehicle of which they are the owner.

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- (ii) A copy of a current Ontario Standard Automobile Insurance policy, for the vehicle for which they are the owner. The policy shall be endorsed to provide that the Licensing Manager be given at least (10) days notice in writing prior to any cancellation, expiration or change in the amount of the policy. The policy should insure, in respect to any one accident, an amount of at least \$2,000,000 exclusive of interest and cost. The policy should also include OPCFA6a Fleet Policy Coverage, permission to carry passengers for compensation.
- (iii) A Safety Standard Certificate issued by the Ministry of Transportation approved Motor Vehicle Inspection Station for each Motor Vehicle to be used.
- (iv) A Halton Regional Police Service Security Clearance Request or a similar Police Security Clearance from a local Police Service as approved by the Licensing Manager dated within the last thirty(30) days from the date of application.

(b) Meet the requirements of 31.12 of this By-law relating to the vehicle.

EVERY LICENCED LIMOUSINE OWNER SHALL:

- 31.2 Keep at all times in the vehicle of which he is the Limousine owner, the original, or a photo copy of the original, of each of the following documents:
- (a) A current motor vehicle permit which is in good standing and was issued in the applicant's name by the Province of Ontario for the motor vehicle of which they are the owner.
 - (b) The current owner's licence issued under this By-law.
 - (c) The certificate of liability insurance for the vehicle, in accordance with the By-law.
- 31.3 Affix the Limousine Owner's plate at a location and in a manner approved by the Licensing Manager.
- 31.4 Employ or use only the services of Limousine Drivers licenced under this Part.
- 31.5 Repair any mechanical defect in the vehicle by a licenced mechanic, reported to him by a licenced Limousine driver.
- 31.6 Ensure that every licenced vehicle is repaired and maintained by a licenced Mechanic.

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VEHICLE OWNER PROHIBITIONS:

- 31.8 No Licenced Limousine Owner shall:
- (a) Permit a vehicle of which he is a Limousine owner, to be operated with mechanical defects of which he is aware.
 - (b) Operate a vehicle or permit a vehicle to be operated under this By-law, without the Limousine owner's plate or sticker for that Limousine attached thereto.
 - (c) Operate a vehicle or permit a vehicle to be operated which is not registered under this By-law.
 - (d) On any vehicle licenced under this By-law, display any Limousine Owner's plate, decal or sticker, issued by the licensing authority of any other municipality.

INSURANCE

- 31.9 When a licenced owner ceases to have a current and valid Ontario standard automobile insurance policy in good standing and properly endorsed in accordance with the provisions of 31.1 of this By-law, the licence shall be deemed to be suspended and the licence shall only be reinstated when written proof of insurance in accordance with the provisions of this Part is delivered to the Licensing Manager.
- 31.10 When the licenced Limousine Owner has his licence suspended under 31.9, he shall forthwith remove the Limousine Owner's plate and return the Limousine Owner's plate and the licence to the Licensing Manager.
- 31.11 All insurance renewal policies or certificates of insurance shall be filed with the Licensing Office ten (10) days prior to the expiry date of the current insurance policy.

VEHICLE STANDARDS

- 31.12 An applicant for a Limousine Owner's licence under this By-law shall, before using the vehicle in accordance with this By-law:
- (a) Attend at the Licensing Manager and produce a copy of the current passenger motor vehicle permit in good standing, issued by the Province of Ontario, in the applicant's name, and a copy of the current Ontario Standard Automobile Insurance Policy to show the Limousine owner's licence.

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- (b) Submit the vehicle to be registered for inspection and approval by the Licensing Manager.
- (c) Produce and file with the Licensing Manager, either:
 - (i) An Ontario Ministry of Transportation Vehicle Inspection Report, showing that the vehicle has been accepted, within the previous thirty (30) days; or
 - (ii) A Safety Standard Certificate, issued under the *Highway Traffic Act* within thirty (30) days.
- (d) File with the Licensing Manager, all documents relating to the vehicle including documentation relating to ownership, or vehicle operation.
- (e) A Limousine owner licenced under this By-law who disposes of his vehicle or otherwise ceases to use his vehicle for the purposes permitted under this By-law and acquires another vehicle for the purposes permitted under this By-law, before using the new vehicle acquired as a Limousine shall:
 - (i) Attend at the Licensing Office and produce a copy of the current passenger motor vehicle permit in good standing issued by the Ministry of Transportation in the plate owner's name, owner's licence, and a copy of the current Ontario Standard Automobile Insurance Policy, endorsed to show the vehicle being registered.
 - (ii) Produce and file with the Licensing Manager, either:
 - (a) An Ontario Ministry of Transportation Vehicle Inspection Report showing that the vehicle has been accepted within the previous thirty (30) days; or
 - (b) A Safety Standard Certificate issued under the *Highway Traffic Act* within thirty (30) days of the application.
- (f) File with the Licensing Manager all documents required to report the change, including documentation relating to ownership, or vehicle operation.
- (g) In addition to the provisions of 31.12 the vehicle to be used shall be submitted for inspection by the Licensing Office during normal business hours and shall not be used until the inspection has taken place, the approval given, and the provisions of 31.12 have been satisfied.

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- (h) When the licenced owner meets all the requirements of this Part, the vehicle shall be deemed to be registered.

INTERIOR AND EXTERIOR CONDITION OF LIMOUSINE VEHICLES

31.13 Every Limousine Vehicle Owner and Limousine Driver shall:

- (a) Maintain the interior and exterior of the Limousine Vehicle in a clean and tidy condition, including maintaining the interior:
 - (i) Free from all dust, dirt, grease, oil, adhesive resin and any other item that can be transferred on to the Person, clothing or possessions of a Passenger;
 - (ii) Free of all waste paper, cans, garbage or any other item not intrinsic to the operation of the motor vehicle;
 - (iii) Free of noxious substances;
 - (iv) Free of excess wear including tears and cigarette burns in the upholstery;
 - (v) In a dry condition;
 - (vi) In good repair;
 - (vii) With working seat belts;
 - (viii) With side windows designed to open and close;
 - (ix) With every seat securely mounted maintaining its position and adjustment;
 - (x) With a working dome light;
 - (xi) With operable air-conditioning and heating with side windows which are intended to open in good working order
- (b) And maintaining the exterior:
 - (i) Free from all dust, dirt, grease, oil, adhesive resin and any other item that can be transferred on the Person, clothing or possessions of a Passenger, except water or snow;
 - (ii) In good repair;

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- (iii) Free from exterior body damage;
- (iv) With no missing or removed fender, grill or molding;
- (v) With securely closing doors and trunk lid;
- (vi) With all handles and catches in good repair;
- (vii) Paint or finish; and
- (viii) With four matching hubcaps.

CONDITIONS

Transfer of Licence

31.14 The licence issued to a Limousine Owner and Limousine Driver under this By-law is not transferable, but subject to any other provisions of this By-law, a Limousine Owner may sell his vehicle and its equipment to any Person and upon such sale the Limousine Owner's licence issued in respect of such vehicle shall be terminated.

31.15 Notwithstanding the above clause:

- (a) On the purchase of a vehicle from a holder of an existing Limousine Owner's licence, the purchaser may apply as an original applicant for a Limousine Owner's licence and to be considered, must meet all the requirements of this By-law for a Limousine Owner's licence.
- (b) When controlling interest in any limited company holding a licence under this By-law is being sold, the purchaser of the shares shall apply for the consent of Licensing Committee to obtain such licenses.
- (c) The following restrictions apply to the sale or lease of a Limousine company:
 - (i) No Owner's Licence is transferable and if the Owner sells, leases or otherwise disposes of the Limousine company, the new Owner must make application to the Licensing Office immediately upon the sale of the Business.
 - (ii) The Licensing Manager, may issue a new Licence to the purchaser, lessee or other Person obtaining an interest in a Limousine Company on the premises or part thereof upon or in which a Limousine Company has been operated subject also to the

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following conditions:

- (a) That the new Applicant qualifies under all of the other provisions of this By-law, and complies with all of the requirements of this By-law relating to the Applicant.
 - (b) That the new Applicant files with the Licensing Manager, the documents relating to ownership and to the right to possess or occupy the Limousine company.
 - (c) That the Applicant and the vendor file with the Licensing Manager, an executed copy of a written agreement between the parties in respect of such Limousine company or premises.
 - (d) That the agreement contains a statutory declaration, by both the parties and a further statutory declaration by the solicitor for the purchaser.
- (d) Upon the sale, lease or other disposition of a Limousine company, every Operator's Licence issued in respect of such Limousine company shall terminate, and the Licensing Manager may, subject to the provisions of this By-law, permit the purchaser, lessee or other Person obtaining an interest in such Limousine company to operate the Limousine company by an endorsement to that effect upon an Owner's licence issued to him or her or may issue a new Operator's licence to any Person previously licenced as an Operator in respect of such Limousine company.

RIGHT OF INSPECTION OF PREMISES OR VEHICLES

31.16 Every Limousine owner licenced under this By-law shall submit the vehicle(s) to the Licensing Manager for one mandatory inspection per year and shall provide at his own expense either:

- (a) An Ontario Ministry of Transportation Vehicle Inspection Report, showing that the vehicle has been accepted within the past thirty (30) days; or
- (b) A Safety Standard Certificate issued under the *Highway Traffic Act* within thirty (30) days of inspection date.

31.17 The Licensing Manager may require at any time that a Limousine Owner, or Limousine Driver shall submit his vehicle for inspection at an appointed place. No Limousine Driver or Limousine Owner shall refuse or neglect to submit such Limousine for inspection when required, or prevent or hinder the said Licensing

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Manager or designate from inspecting and/or testing the said Limousine, or entering any garage or other building for such purpose.

- 31.18 Every Limousine shall be inspected by the Licencing Officer or designate before any licence is granted therefore, and thereafter from time to time as required by the Licensing Manager.
- 31.19 Every Limousine Owner shall submit his or her Limousine Vehicle to random inspections at any time specified by the Licensing Manager.
- 31.20 When the Licensing Manager believes that a Limousine Vehicle or its equipment is mechanically defective, the Limousine Owner or Limousine Driver shall be given written notice requiring such Limousine Owner or Limousine Driver to submit the Limousine Vehicle for examination by a certified mechanic duly licenced by the Province of Ontario within twenty-four (24) hours.

VEHICLES OUT OF SERVICE

- 31.21 Every Limousine Owner shall be required to notify the Licensing Manager, in writing, of the particulars of any Limousine Vehicle which has been taken out of service and the date thereof, within ten (10) days of such event.
- 31.22 Every Limousine Owner may apply for permission to maintain a substitute Limousine Vehicle to temporarily replace vehicles, which are seriously damaged or damaged beyond repair, during the period of repair or replacement and subject to the following conditions:
- (a) The substitute vehicle must meet all the requirements of this Part, and shall be required to be inspected during safety and cleanliness inspections carried out by the Licensing Office;
 - (b) There shall be no fee for the temporary transfer of licences to substitute vehicles;
 - (c) The Limousine Owner shall be required to advise the Licensing Manager in writing by letter or facsimile transmission that the substitute vehicle has been brought into service and the taxicab or Accessible Taxicab vehicle plate has been affixed to the substitute vehicle, and shall advise when the originally licenced vehicle has returned to service; and,
 - (d) No temporary transfer of a licence to a vehicle shall be permitted for a period exceeding six (6) months.

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PART 32 LIMOUSINE FARES

- 32.1 All trips provided by Limousine Owners and/or Drivers will be arranged by agreement between the client and Limousine Owner/Driver in advance.
- 32.2 Limousine fares are by flat rate only with the minimum charge for a trip being sixty dollars (\$60.00).

ENACTED AND PASSED this 9th day of March, 2009.

Cam Jackson Mayor

Kim Phillips City Clerk

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SCHEDULE “A”

TAXICAB AND LIMOUSINE FEES

<i>LICENCE TYPE</i>	<i>Fee 2009</i>	<i>Fee 2010</i>	<i>Fee 2011</i>	<i>Fee 2012</i>	<i>Fee 2013</i>
Taxicab/Limousine Driver – New	\$157	\$176	\$196	\$220	\$248
Taxicab/Limousine Driver – Renewal	\$147	\$155	\$165	\$175	\$186
Taxicab/Limousine Owner – New/Plate	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000
Taxicab/Limousine Owner – Renewal/Plate	\$220	\$320	\$420	\$520	\$618
Taxicab Broker – New	\$765	\$825	\$885	\$945	\$976
Taxicab Broker – Renewal	\$260	\$380	\$500	\$620	\$732

<i>OTHER FEES:</i>	
Licensing Committee Hearing Fee	\$340.00
Late Fee (for renewals submitted past the expiry date of licence)	\$50.00
Change of Information	\$25.00
Replacement of lost, stolen, missing, defaced or illegible plates	\$75.00/plate
Replacement of Licence	\$25.00/licence
Administration Fee	\$75.00

The Taxicab and Limousine fees provided in this By-law shall be indexed to the Consumer Price Index (Ontario) as of December 31st, and are to be adjusted accordingly, annually on February 1st. The Licence fee shall be rounded up to the nearest five dollars.